



Entered on Docket
March 15, 2010

Bruce A. Macdowell

**Hon. Bruce A. Markell
United States Bankruptcy Judge**

Shawn Christopher, Esq.
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Attorney for Debtor(s),

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re
CARY JANEWAY,
Debtor(s).

Case No: BKS-09-12578-BAM
Chapter 13

**ORDER GRANTING DEBTOR'S MOTION
FOR DETERMINATION OF VALUE OF
PROPERTY; MOTION TO AVOID LIEN**

Hearing Date: March 4, 2010
Hearing Time: 2:30 p.m.

This matter having come before the Court for a hearing on March 4, 2010, on the Debtor's Motion for Determination of Value of Property; Motion to Avoid Lien, and based upon the papers and pleadings on file herein, and good cause appearing:

THE COURT HEREBY ORDERS as follows:

Debtor's Motion for Determination of Value of Property; Motion to Avoid Lien is hereby granted.

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1 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Debtor's real
2 property located at 4689 Via Torino, Las Vegas, NV 89103, shall be adjudicated to have
3 a value of \$72,000.00 as of the date of filing Debtor's Chapter 13 Petition;

4 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the junior lien held
5 by Wells Fargo regarding the real property located at 4689 Via Torino, Las Vegas, NV
6 89103 is hereby stripped of it's secured status and avoided in its entirety;

7 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Wells Fargo's lien
8 be adjudicated as an unsecured lien and treated as an unsecured claim;

9 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Wells Fargo's lien
10 have no further force and effect as a secured lien against Debtor's real property located
11 at 4689 Via Torino, Las Vegas, NV 89103; and

12 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the
13 aforementioned avoidance of lien shall not become final and is contingent upon the
14 Debtor successfully completing the terms of the instant Chapter 13 Plan and receiving
15 her discharge in the case herein;

16 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that nothing contained
17 herein shall terminate the rights of the creditor if this case is dismissed or converted; and

18 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that in the event the
19 first mortgage lien holder conducts a foreclosure sale of the real property located at 4689
20 Via Torino, Las Vegas, NV 89103 prior to discharge of Debtor's instant Chapter 13 case,
21 Wells Fargo shall retain their lien holder position on said property.

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1 **IT IS SO ORDERED.**

2 Respectfully submitted March 5, 2010

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4 CHRISTOPHER LEGAL GROUP

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6 By: /s/ Shawn Christopher
7 Shawn Christopher
8 Attorneys for Debtors

9 APPROVED/DISAPPROVED

10 DATED: _____

11 No Response

12 Rick A. Yarnall, Chapter 13 Trustee

13 **ALTERNATIVE METHOD RE: RULE 9021**

14 In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

15 The court has waived the requirement of approval under LR 9021.

16 This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of
17 this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared
18 at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below
19 [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

20 This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel
21 who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has
22 approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the
23 party has approved, disapproved, or failed to respond to the document]:

24 I certify that I have served a copy of this order with the motion, and no parties appeared or filed written
25 objections.

26 CHAPTER 13 TRUSTEE
27 Rick A. Yarnall, Trustee
28 701 Bridger Ave., #820
29 Las Vegas, Nevada 89101
(facsimile 853-4513)

	APPROVED	DISAPPROVED	NO RESPONSE
			<u>✓</u>

1 I declare under penalty of perjury under the laws of the State of Nevada that the
2 foregoing is true and correct.

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4 Dated this 5 day of March, 2010.



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6 An employee of Christopher Legal Group
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